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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,923	11/30/2002	Iwao Fujisaki		5324

33661 7590 12/02/2005

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EXAMINER

FREJD, RUSSELL WARREN

ART UNIT PAPER NUMBER

2128

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/065,923	Applicant(s) FUJISAKI, IWA0	
	Examiner Russell Frejd	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5.12.05</u> | 6) <input type="checkbox"/> Other: _____  |

In re Application of: Fujisaki

***Examination of Application #10/065,923***

1. Claims 11-28 of application 10/065,923, filed on 30-November-2002, are presented for examination.

***Claim Rejections under 35 U.S.C. § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

2.1 Claims 11, 13, 15, 17, 19, 21, 23, 25 and 27 are rejected for reciting a process that is not directed to the technological arts. For example, in regard to claim 11, this claim is directed at a simulation software capable of displaying an object and a wrinkle image. To be statutory, the utility of an invention must be within the technological arts. *In re Musgrave*, 167 USPQ 280, 289-90 (CCPA, 1970). The definition of "technology" is the "application of science and engineering to the development of machines and procedures in order to enhance or improve human conditions, or at least to improve human efficiency in some respect." (Computer Dictionary 384 (Microsoft Press, 2d ed.1994)). The limitations recited in claim 11 contain no language suggesting that claim 11 is intended to be within the technological arts. However, please note the method steps of claim 11 recited as part of a "computer-implemented method" would be considered as directed to the technological arts.

2.2 Claim 11 recites and is directed to "A simulation software". The subject matter of this claim is considered to be a computer program that is not tied to the technological arts. It is

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considered that the script is nothing more than printed matter and thus is an abstract idea that is not patentable subject matter.

### ***Claim Rejections under 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.1 Claims 11-28 are rejected under 35 U.S.C. 102(b) as being anticipated by the article authored by Kalra et al., hereinafter Kalra, entitled Real-Time Animation of Realistic Virtual Humans.

4.2 Kalra discloses a system for simulating a virtual human that allows real-time animation of the body, head, and hands with deformations [p. 42, col. 1] including: a human hand animation [p.49, 2<sup>nd</sup> col. to p.50, top of 2<sup>nd</sup> col., and Figs. 7-9] showing applicant's claimed limb [the hand] with first and second parts connected by a joint [see the finger details including the segments bounded by the knuckles];

the variable angles of the hand [Fig. 7, the constraint control points]; and

a wrinkle composed of a set of constraint control points, generally selected around a joint which form a 3-D line of points called wrinkle control points [Fig. 7 and p.49, col. 2](applicant's wrinkle image produced on or near the joint (Claims 11 and 12);

a human hand (claims 13 and 14);

texture modeling [p. 43, col. 1] (claims 15 and 16);

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modeling with polygons [p. 43, col. 1] (claims 17 and 18);  
basic data structure for the hand model [p. 49, col. 2] (claims 19, 20, 25 and 26);  
constraint control (wrinkle) points placed on an extended hand to show height and  
amount [Fig. 7 and p. 49, col. 2] (claims 21-24); and  
a realistic human hand depiction showing thickness [any of Figs. 7-9] (claims 27 and 28).

### ***Response Guidelines***

5. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

**5.1 Any response to the Examiner in regard to this non-final action should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (571) 273-8300

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

Date: 28-November-2005

  
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**RUSSELL FREJD  
PRIMARY EXAMINER**